

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, et al.

Plaintiff,

vs.

BRAD RAFFENSPERGER, et al.

Defendant.

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) **CIVIL ACTION FILE NO.: 1:17-cv-
2989-AT**
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DECLARATION OF MARILYN MARKS

MARILYN MARKS hereby declares under penalty of perjury,
pursuant to 28 U.S.C. § 1746, that the following is true and correct:


1. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
2. I am the Executive Director of Plaintiff Coalition for Good Governance (“CGG”).
3. On August 3, 2021, I sent the email attached as Exhibit A to CGG’s list of municipal election clerks, county election officials, a number of city council members, and our BMD webinar subscriber list. Exhibit A is a true and correct copy of the email in the form that was sent, including all yellow highlighting.

4. CGG frequently communicates with these and other officials, legislators, and political leaders on election security and voter privacy issues, including by providing updates on this lawsuit, legislation, and our educational efforts. This email is an example of such communications, and it was sent to urge the use of a secure voting system in the November 2021 municipal elections, in light of known vulnerabilities and Dr. Halderman's findings as set out in his rebuttal report.
5. Some of the links in the email to downloadable PDFs, hosted remotely on a ShareFile account operated by CGG, were inadvertently set to expire after the passage of 180 days when they were created and pasted into the email text. One hundred eighty days is a Sharefile default expiration period that can be selected when a unique link to a hosted document is created for distribution in an email. Since the 180-day links were created on August 3, 2021, they expired timely on January 30, 2022. As a result, clicking on one of the unique 180-day document links in the August 3, 2021, email now produces a ShareFile page saying the link is invalid. I first became aware of the expired links on February 2, 2022.
6. The documents that were linked at the expired links in the August 3, 2021, email are attached as exhibits as follows:
 - Exhibit B: Expert Rebuttal Report-Halderman

- Exhibit C: Expert Rebuttal Report-Appel
- Exhibit D: Expert Rebuttal Report-Stark
- Exhibit E: Halderman Declaration (Also Doc. 1133)

7. I was careful to ensure that none of the documents linked in the email were covered by a “confidential” designation under the Protective Order in this case. Counsel provided me the Halderman rebuttal report because it was not designated as AEO. Moreover, I understood from correspondence with Curling Plaintiffs’ counsel that it was not “confidential” either. To double check this, before writing the email message in Exhibit A, I first checked with Mr. Cross, Curling Plaintiff’s Counsel, on August 2, 2021, to confirm that Dr. Halderman’s rebuttal report was not AEO. He responded that it was “not confidential at all.”
8. I have not had access to any part of Dr. Halderman’s initial report, nor the redacted version. I have made it clear to anyone with whom I have talked about this case that I do not know the contents of either version, other than what has been said in generalities in open court and in the press and is thus already known to the general public.

Executed on this date, February 3, 2022


Marilyn R. Marks